

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the present amendment, claims 1, 5 and 8 will have been amended, and claim 4 will have been canceled. Claims 1-10 are currently pending. Applicant respectfully requests reconsideration of the outstanding objection and rejections, and allowance of the claims pending in the present application.

In the Official Action, we note that the Examiner has objected to the Specification for failing to provide proper antecedent basis and other informalities. More particularly, the Examiner asserts that there is no description of the mount being "provided in" the outermost end of the trailing arms, which is shown in Fig. 3. Applicant has amended the Specification, where appropriate, to make it clear that the mount is provided inside of the outermost end of the trailing arms. Further, Applicant has amended the Specification (where appropriate) to address the other informalities indicated by the Examiner on page 3 of the Official Action. Accordingly, the objection to the Specification is believed to be moot, and should be withdrawn. No new matter is believed to have been added to the Specification by the present amendment, since support for this amendment is found, inter alia, in Fig. 2.

In the Official Action, the Examiner has rejected claim 4 under 35 U.S.C. § 112, second paragraph, for being indefinite. More particularly, the Examiner asserts that claim 4 conflicts with claim 1 because it is unclear if the mount is in

the trailing arm, the trailing arm has a portion configured as a mount, or if the claim is claiming a second mount. Without acquiescing to the propriety of the rejection, and without prejudice or disclaimer to the subject matter contained therein, claim 4 is canceled by the present amendment. Accordingly, the aforementioned rejection is believed to be moot, and should be withdrawn.

In the Official Action, the Examiner has withdrawn the previous rejection, but now rejects claims 1, 4, 5 and 8 under 35 U.S.C. § 102(b) as being anticipated by GLASER (U.S. Patent No. 6,152,468).

Although Applicant does not necessarily agree with the Examiner's rejection of the claims on these grounds, Applicant nevertheless has amended independent claims 1, 5 and 8 to more clearly obviate the above-noted grounds of rejection solely in order to expedite prosecution of the present application. In this regard, Applicant notes that GLASER fails to teach or suggest the combination of elements as recited in amended claim 1. In particular, claim 1, as amended, sets forth a torsion beam axle suspension, inter alia, wherein the left and right trailing arms are each provided with a mount provided inside of the outermost end of the left and right trailing arms that mounts a shock absorber, and wherein the shock absorber is mounted rearward of the wheel connector in a longitudinal direction of each of the left and right trailing arms.

Applicant submits that GLASER lacks any disclosure of at least the above-noted combination of elements.

In this regard, the Examiner asserts that GLASER discloses an eye (31), provided in the wheel carrier, for mounting the shock absorber. However, the

axle suspension of GLASER is very different structurally from the axle suspension of the present claimed invention. More particularly, GLASER discloses the shock absorber being mounted on an eye which is provided inside of the wheel carrier (5). That is, the wheel carrier (5), as disclosed in GLASER, best corresponds to the wheel connector (12) of the present disclosure (see, Fig. 2 of the present disclosure). Therefore, GLASER does not disclose at least the mount being provided inside of the outermost ends of the trailing arms such that the shock absorber is mounted rearward of the wheel connector in the longitudinal direction of the trailing arm. Accordingly, the rejection of claim 1 under 35 U.S.C. § 102(b) is improper, and should be withdrawn.

Applicant further submits that independent claim 5, as amended, is generally similar to independent claim 1 in that it recites, inter alia, a mount that receives a shock absorber is provided inside of the outermost end of the left and right trailing arms, and wherein the shock absorber is mounted rearward of the wheel connector in a longitudinal direction of each of the left and right trailing arms. Accordingly, the rejection of claim 5 under 35 U.S.C. § 102(b) is improper for generally all the above reasons and withdrawal thereof is respectfully requested.

Applicant further submits that independent claim 8, as amended, is generally similar to independent claim 1 in that it recites, inter alia, wherein a mount that receives a shock absorber is formed inside of the outermost end of the left and right trailing arms, and wherein the shock absorber is mounted rearward of the wheel connector in a longitudinal direction of each of the left and

right trailing arms. Accordingly, the rejection of claim 8 under 35 U.S.C. § 102(b) is improper for generally all the above reasons and withdrawal thereof is respectfully requested.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1, 5 and 8, as well as claims 2, 3, 6, 7 and 9-10 respectively depending therefrom, these claims are not anticipated thereby. Further, all pending dependent claims recite additional features that further define the present invention over the prior art. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102 and allow all pending claims in the present application.

In the Official Action, the Examiner has rejected claims 2, 6, and 9 under 35 U.S.C. § 103(a) as being unpatentable over GLASER in view of MACISSAC (U.S. Patent No. 4,550,926); and

Claims 3, 7, and 10 as being unpatentable over GLASER in view of MACISSAC, and further in view of MOLENAAR (U.S. Publication No. 2005/0047851).

Applicant respectfully traverses the above noted rejections of claims 2, 3, 6, 7, 9 and 10 under 35 U.S.C. § 103(a).

Applicant submits that dependent claims are patentable due to their respective dependencies from claims 1, 5 and 8, for at least the reasons noted above. In this regard, Applicant notes that the Examiner has provided no

explanation or motivation for correcting the above-noted deficiencies in the teachings of GLASER. Applicant further submits that MACISSAC and MOLENAAR do not provide any teachings which could reasonably be characterized as curing the above-noted deficiencies in the teachings of GLASER. In this regard, Applicant submits that MACISSAC and MOLENAAR do not disclose at least a mount provided inside of the outermost end of the left and right trailing arms that mounts a shock absorber, and wherein the shock absorber is mounted rearward of the wheel connector in a longitudinal direction of each of the left and right trailing arms. Accordingly, the rejection of claims 2, 3, 6, 7, 9 and 10 under 35 U.S.C. § 103(a) is improper, and should be withdrawn.

In view of the herein-contained remarks, Applicant submits that independent claims 1, 5 and 8 are in condition for allowance. With regard to dependent claims 2, 3, 6, 7, 9 and 10, Applicant asserts that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1, 5 and 8 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes that this amendment is being made solely to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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